

Town of Frederick Board of Trustees



Eric Doering, Mayor

Sue Wedel, Mayor Pro Tem
Liberta Hattel, Trustee
Amy Schiers, Trustee

Tony Carey, Trustee
Gerry Pfirsch, Trustee
Jim Wollack, Trustee

AM 2008-034

TO CONSIDER AN ORDINANCE ESTABLISHING AN APPEALS PROCESS TO GUIDE THE IMPLEMENTATION OF THE MONTHLY UTILITY FEES FOR THE STORM WATER UTILITY

Agenda Date: Town Board Meeting – April 14, 2009

Attachments:

- a. Proposed Appeal Process and Billing Guidelines for the Storm Water Utility Fees
- b. Ordinance _____ adopting the Appeals Process
- c. Resolution

Fiscal Note: The appeals process will not significantly change the budget projections for the Storm Water Utility.


Finance Director

Submitted by: Richard Leffler, P.E. 
Town Engineer

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector _____ Laptop _____

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The Appeals Process and Billing Guidelines are intended to clarify the calculation of the monthly user fees that will be charged for the Storm Water Utility Fees per Resolution 09R008 as adopted at the February 24, 2009 meeting. As directed by the Board at the March 24, 2009 meeting, this Appeals Process was revised and is being brought back for final consideration in the form of an ordinance.

Detail of Issue/Request:

Along with approving the resolution establishing Storm Water Utility Fees, the Board directed staff to prepare an appeal process to use in considering complaints or questions about the fees that might be received from property owners. The attached Appeals Process and Billing

Guidelines document includes provisions that were recommended during the discussion of this matter at the March 24, 2009 meeting. The attached ordinance would provide review criteria to help staff implement the adopted monthly Storm Water Utility Fees. It provides methods to review the fees in a way that can consider unique circumstances for specific properties while following the general intent of fairly charging all customers for Storm Water services. It also clarifies the categories under which certain types of land uses should be charged. For example, churches and schools may be allowed in residential, commercial or industrial zones, as well as public zones, but the intent is that all churches and schools would be billed at the per acre rate for Public land.

Staff will place all property in the most appropriate category and calculate the initial Storm Water Utility Fees based on the best information available at this time. The fees will be sent out starting with the first billing cycle after May 1, 2009. It is anticipated that revisions and additions may be required on an ongoing basis.

The provisions contained in the Appeals Process and Billing Guidelines would be applied by staff in situations where a property owner provides evidence that their specific property has characteristics that fall well outside of the norms assumed for the categories of land contained in the 2009 Storm Water Utility Fee Schedule, or revisions to this schedule. Staff would determine what adjustments, if any, should be made to the initial calculation of the fee, document the adjustment in the Town files, and revise the information in the utility billing database. If the property owner disagrees with the staff decision, they would have the option of appealing the staff decision to the Town Engineer.

Legal/Political Considerations:

At the March 24, 2009 meeting, the Town Board approved Resolution 09R008 establishing Storm Water Utility Fees. The Board directed staff to prepare an ordinance proposing an appeal process to use in considering complaints or questions about the fees that might be received from property owners. If adopted, the ordinance would become effective 30 days after publication.

Alternatives/Options:

The Board could approve the proposed Appeal Process, with or without amendments, reject the Appeal Process, or direct staff to make revisions and bring it back to a future meeting.

Financial Considerations:

NA.

Staff Recommendation:

Approve the attached ordinance establishing the Appeals Process and Billing Guidelines for the Storm Water Utility Fees.